IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

OP.No. 7718 of 1999(R)

PETITIONER:

P.A. PONNAMMA,
U.P.S.A.
KONNATHADY PANCHAYAT
U.P. SCHOOL, KONNATHADY.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:
---

1. STATE OF KERALA, REP. BY THE SECRETARY TO GOVT.
   LOCAL ADMINISTRATION DEPT. SECRETARIAT, TRIVANDRUM

2. THE ASSISTANT EDUCATIONAL OFFICER
   ADIMALY, IDUKKI DIST.

3. THE MANAGER, KONNATHADY PANCHAYAT
   U.P. SCHOOL, (SECRETARY, KONNATHADY GRAMA PANCHAYAT)
   KONNATHADY, IDUKKI.

BY ADV. SRI.M.V.BOSE
SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 17/08/2007 ALONG WITH COC NO. 585 OF 2007, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.7718/99

ORDER IN C.M.P. NOS. 12918 & 36590 OF 1999

DISMISSED

17.8.07 SD/- A.K. BASHEER, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER DT. 14.9.98

EXT.P2. COPY OF THE ORDER ISSUED TO THE PETITIONER BY THE MANAGER OF THE SCHOOL, DT. 17.3.99

EXT.P3. COPY OF THE ORDER NO. G.O. (MS) 218/L.A.D. (H. Dept) DT. 6.10.95

EXT.P4. COPY OF THE ORDER IN C.M.P. No. 9222/98 IN O.P. 5095/98 DT. 17.3.98

EXT.P5. COPY OF THE COMMUNICATION ISSUED BY THE A.E.O. ADIMALI NO.E/1082/99 DT. 5.8.99

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

O.P. NO. 7718 OF 1999

&

Cont. Case (C) No.585 OF 2007

Dated this the 17th day of August, 2007

J U D G M E N T

Petitioner was admittedly appointed as Junior (Hindi) Teacher in an aided upper primary school run by Konnathady Grama Panchayat after a due process of selection. It is on record that she was selected from among the list of candidates obtained from the Employment Exchange at Kattappana. It is also not in dispute that petitioner has been working in the school ever since her date of appointment viz., September 14, 1998. It is also beyond controversy that continuance of the petitioner in service is by virtue of an interim order dated March 30, 1999 issued by this court in C.M.P. No. 12918/99 in this original petition.

2. Learned counsel for the petitioner fairly concedes that in view of the decision rendered by a Full Bench of this Court, which was later affirmed by their Lordships of the Supreme Court, petitioner might not be eligible to get the benefit of Rule 51 A to continue in

service. But still the fact remains that she has been continuing in service for the last more than 8 years by virtue of the interim order issued by this Court. He further submits that the remedy now available to the petitioner may be only to approach the Government under Rule 3 Chapter I, KER, which she proposes to do so. The limited prayer is to allow the petitioner to continue in service till a final decision is taken by the Government, on such a motion to be made by her. The other prayer is to issue a direction to the Government to release the entire arrears of salary and allowances payable to the petitioner for the period she has worked in terms of the interim order dated September 10,1999 in C.M.P. No. 36590/99.

3. Learned Govt. Pleader submits that the direction contained in the above order will be complied with and the arrears payable to the petitioner will be disbursed to her expeditiously.

In the above facts and circumstances, the original petition is disposed of with a direction to respondent No.1 to consider and pass orders on the petition that may be filed by the petitioner under Rule 3 of Chapter I KER, within three months from the date of receipt thereof. Petitioner shall submit the representation/petition within four weeks from today failing which the same shall not be entertained.

Respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall be entitled to continue in service till a decision is taken on the petition as directed above.

Respondent No.1 shall disburse the entire arrears of salary and allowances to the petitioner for the period she has worked in the school in terms of the interim order in C.M.P. No. 36590/99, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

The original petition is disposed of in the above terms.

Nothing survives in Cont. Case in view of the disposal of the Original Petition. Therefore it is also closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007